IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7846 OF 2005

Jeetendra P. Suralkar .. Applicant
Versus
State of Maharashtra .. Respondent

Mr.S.Y.Katkade a/w. V.Nirmala Gopal for applicant
Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 8th December 2005.

P.C.

. Applicant is apprehending arrest in connection with C.R.No.85 of 2005 registered with Pydhonnie Police station. Application for anticipatory bail is rejected by sessions court in the absence of Advocate for applicant, although the court was informed that Advocate for applicant was unwell. The matter is being disposed of by consent of both parties on merits

as no useful purpose will be served by sending the matter back to the trial court.

2. It is not disputed that name of applicant does not figure in the F.I.R. which was lodged at the Pydhonnie police station under section 467, 468, 471, 420 and 34 of I.P.C. vide C.R. No.85 of 2005. Manager of the Indian Overseas Bank has lodged said F.I.R. alleging that some bogus documents were furnished to the bank for obtaining loan to purchase a flat/immovable property. Amount disbursed is Rs.13,40,000/-. Persons who are supposed to be involved are one Pradip Mulay and Priti Pradip Mulay, who are residing in Charkop, Kandivali. Applicant is apprehending arrest because one Mr.Wankhede, officer at the aforesaid police station called up his residence and enquired about his whereabouts. It is applicant's brother in law Pradip Sakpal who requested applicant to be surety/ guarantor for the loan which the said Pradip wanted to

avail from the bank. As far as transaction which is subject matter of F.I.R. is concerned, neither is the applicant borrower nor a surety. In these circumstances, applicant is entitled to the protection. Accordingly following order:-

i) In the event of arrest of the applicant in connection with C.R.No.85 of 2005 registered with Pydhonnie police station, the applicant shall be released on bail in the sum of Rs.5000/- with one surety in the like amount.

ii) Applicant shall attend Pydhonnie police station twice a week on every Tuesday and Thursday between 5.00 p.m. and 7.00 p.m. till filing of charge sheet.

iii) Applicant shall not directly or indirectly make any inducement, threat or

promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the police officer/investigating agency. Applicant shall not tamper with evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate Court for appropriate relief.

vi) Application disposed of.

vii) Parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)